

---

## **OLR Bill Analysis**

### **sHB 6572**

#### ***AN ACT CONCERNING INTIMIDATION BASED ON BIGOTRY OR BIAS AGAINST A HOMELESS PERSON.***

##### **SUMMARY:**

This bill adds crimes committed maliciously and with intent to intimidate or harass a person because of the person's homelessness to the three degrees of intimidation based on bigotry or bias crimes. For the 1<sup>st</sup> degree crime, the bill requires the offender to know that the victim is homeless. For the 2<sup>nd</sup> and 3<sup>rd</sup> degree crimes, the offender must act based on the victim's actual or perceived homelessness. The bigotry or bias crimes currently apply to conduct based on a person's actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression.

By adding crimes against homeless individuals to the bigotry or bias crimes, the bill, among other things, requires recording these crimes as hate crimes, enhances penalties for repeat offenders, allows courts to order offenders to participate in anti-bias programs, and gives victims a civil action for triple damages.

EFFECTIVE DATE: October 1, 2013

##### **BIGOTRY OR BIAS CRIMES AGAINST HOMELESS INDIVIDUALS**

The bill adds crimes committed maliciously and with intent to intimidate or harass a person because of the person's homelessness to the three degrees of intimidation based on bigotry or bias crimes. It defines "homeless" as lacking a fixed, regular, and adequate nighttime residence. It does not include recreational activities such as camping, physically residing in a homeless shelter or halfway house, or participating in a protest.

For the 1<sup>st</sup> degree crime, the bill requires the person to commit the crime because he or she actually knows that the victim is homeless. By

law, a person commits the 1<sup>st</sup> degree crime if he or she causes serious physical injury to that person or a third person. This crime is a class C felony punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

To commit the 2<sup>nd</sup> or 3<sup>rd</sup> degree crime, the bill requires the person to act based on the victim's actual or perceived homelessness. By law, a person commits the 2<sup>nd</sup> degree crime if he or she (1) makes physical contact with the victim; (2) damages, destroys, or defaces property; or (3) threatens to do either of these things and the victim reasonably believes the actor will carry out the threat. This crime is a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both.

By law, a person commits the 3<sup>rd</sup> degree crime if he or she (1) damages, destroys, or defaces property or (2) threatens to do so or advocates or urges another to do so and the victim reasonably believes the act will occur. This crime also applies if the person intends to intimidate or harass a group of people. This crime is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both.

#### **OTHER PROVISIONS**

By adding crimes against homeless individuals to the bigotry or bias crimes, the bill also:

1. subjects them to a persistent offender statute that allows a court to sentence a person convicted for a second time of certain bias crimes to the next highest sentence;
2. allows courts to order offenders to participate in the hate crimes diversion program as a condition of accelerated rehabilitation;
3. allows a court, as a condition of probation or conditional discharge, to require an offender to participate in an anti-bias crime education program;
4. requires police to monitor, record, and classify these crimes;

5. adds them to the charge of the Hate Crimes Advisory Committee established by the chief state's attorney, which (a) coordinates federal, state, and local efforts to enforce bigotry and bias criminal laws and increase community awareness, reporting, and combating of these crimes and (b) makes recommendations on training police officers about these crimes;
6. adds them to the training on bigotry and bias crimes that must be part of basic or review training programs conducted or administered by the State Police, Police Officer Standards and Training Council, or municipal police departments; and
7. gives a person injured by conduct that results from these crimes a civil action for triple damages for injuries. (The court can also award other relief and reasonable attorney's fees.)

## **BACKGROUND**

### ***Related Bill***

sSB 896 (File 418) reported favorably by the Public Health and Planning and Development committees, establishes a bill of rights for the state's homeless residents.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38      Nay 5      (04/19/2013)